FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 1963 OF 2006

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri V.V.Pai for the petitioner.
Shri P.I.Khemani AGP for
Respondents 10 to 12 & 14.

CORAM; V.G.PALSHIKAR &
V.R.KINGAONKAR, JJ.

DTAED: 22ND MARCH,2006.

P.C.

1. Heard counsel. Rule, made returnable forthwith.

2. The learned counsel for the petitioner submits that no confidence motion was improper and illegal, since one of the member was in duress and therefore his vocting in favour of the motion was under co-ersion. It is contended that authorities have not properly considered the aspect regarding co-ersion exercised on the member namely Ankush Hilkem.

3. We have gone through the relevant papers. The order of Additional Collector is confirmed by the Additional Commissioner and both these orders have been confirmed by the Hon'ble Minister. There is concurrent finding on the question of fact. The concerned authorities have noted that said Ankush did not raise any objection immediately and filed his affidavit after a period of seven days. We are unable to pursuade ourselves with the argument that for such a long period he could be under alleged duress or any kind of threat. We do not find any substance in the contention raised. The impugned orders are legal and proper and hence no interference is called for.

4. It is further submitted by the learned counsel for the petitioner that the petitioner

may be allowed to continue as sarpanch, since next elections are due within a short span. The request cannot be considered, since the petitioner has lost confidence of the memebrs and it would not be proper to allow such sarpanch to continue, who has no right to execute the duties of the office.

5. In the result the writ petition is dismissed in limine with no order as to costs.

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